

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

Writ Petition No. 49 of 2005

Mohammed Bin Khamis Bin Hilal Al-Majali .. Petitioner
V/s.
Union of India & Ors. .. Respondents

Mr. Deshpande with Mr. A.R. Pandey for the Petitioner
Mr. V.H. Kantharia with Mr. H.V. Mehta for the
Respondents

**CORAM : S. RADHAKRISHNAN &
J.P. DEVADHAR, JJ.
DATED : 14.01.2005**

P.C.:-

1. Rule. Rule made returnable forthwith. Heard the learned counsel for the Petitioner and the learned counsel for the Respondents. The learned counsel for the Respondents waives service. By consent taken up for hearing.

2. By this Petition, the Petitioner is seeking release of vessel Al-Shahaba, which was seized by the Respondent nos. 2 and 3 on 22.12.2004. It appears that the Respondent Nos. 2 and 3 had seized the above vessel in view of the fact that about 650 tonnes of diesel oil was sought to be smuggled into India by the Petitioner in the said vessel.

3. The learned counsel for the Respondents submitted that already six persons have been arrested in the above and the matter is under investigation. The Respondents have to also adjudicate the above matter. The learned counsel for the Respondents submits that the concerned authorities will adjudicate the issue as expeditiously as possible, preferably, within a period of three months

from today, the Respondents will issue a show cause notice to the Petitioner.

4. Under the aforesaid facts and circumstances, there is no question of release of the vessel at this stage, however, we direct the Respondents to issue a show cause notice to the Petitioner, within a period of three months from today. The learned counsel for the Petitioner states that the Petitioner will co-operate in the adjudication proceedings and will also file a reply to the show-cause notice. The learned counsel appearing for the Respondents submits that the entire adjudication proceedings will be completed within a period of eight weeks thereafter. The learned counsel for the Respondents also states that the barges, which are surrounding the vessel, will be removed within a period of ten days, and will ensure that there is no oil spillage in the sea to prevent pollution.

5. The Petition stands disposed of in the above terms.

(S. RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)